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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/402,524	10/05/1999	KEITH REYNOLDS WEHMEYER	RCA 88321	6047

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EXAMINER	
LONSBERRY, HUNTER B	
ART UNIT	**PAPER NUMBER**
2611	7

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/402,524	WEHMEYER ET AL.	
	Examiner	Art Unit	
	Hunter B. Lonsberry	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 October 1999* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 8/14/2003 have been fully considered but they are not persuasive.

1) Applicant argues, "Klosterman lacks disclosure of "allocating a new data identifier" step". (Page 6) "Klosterman's use of color to designate source does not inherently disclose forming program map information associating a new data identifier with a program listed in the second source." (Page 8)

Regarding applicant's argument 1, Klosterman inherently forms program map information associating a new data identifier with a program listed in the EPG from a second source, as Klosterman discloses using a color to designate program items from each source and discloses that the coordinator creates a structured framework to save the received data (column 5, line 64-column 6, line 3). A new data identifier must be attached to the program entries from each source within the merged guide, as Klosterman discloses that when a user selects a program from the guide, the system reads the source identifier associated with that show or channel, thus enabling the system to switch to that source, channel and program (column 3, lines 11-48).

2) Applicant argues, "However, no program identification such as a PID is mentioned. Nor is a step of assigned a new PID inherent in identifying sources such as DBS or local cable" "Thus no part of this disclosure relates to identifying packets in a program data stream, nor is a step of allocating a new data identifier disclosed." (Page 7)

Regarding applicants argument 2, claim 10 is silent regarding the presence of packet identifiers, or PIDs, but instead merely requires forming a composite program guide from several sources, and associating program map information with a new data identifier assigned to information from a second source. Klosterman clearly merges program guide information from several sources, and tags each source and displays a unique color corresponding to each source within the program guide.

3) Applicant argues, "However, applicant's step goes beyond merely assigning a display attribute such as color to a corresponding category of programming as is disclosed in Bedard. Applicants claimed step is "...collating a category of program guide information menu items from said first source by a display attribute in response to selection of said menu icon, said display attribute being allocated to said category of program guide information items and said display attribute being common to both said category and to said menu icon..."

Regarding applicants argument 3, claim 1, merely requires a program guide in which a common display attribute is used for both a category and menu icon. Schein discloses an EPG in which information may be sorted by category (Figure 16A, column 6, line 37-column 7, line 10, column 9, line 21-column 11, line 46, column 21, line 19-65). Bedard discloses a receiver with an EPG in which different categories of programming and the icons associated with them are assigned a color (Figure 5, column 2, line 65-column 3, line 11, column 4, lines 11-19, line 49-column 5, line 7). Adding Bedard's content coloring feature to Schein would result in an EPG in which EPG information may be sorted, and the menu icons and program guide information

would have a common color, thus enabling a user to readily identify a color with a programming category.

4) Applicant argues, "However, Witek contains no teaching of converting a code from a first provider to a code of a second provider in accordance with an equivalence map in order to allocate a category in a master set of program categories to a received program category." (Page 13).

Regarding applicant's argument 4, Witek discloses an online classifieds system in which information in different formats from a number of different providers is retrieved and converted into a master set of categories, prior to display to a user (Figures 3, 7, 14, 15, column 12, line 49-column 13, line 13, column 18, line 33-62, column 52, lines 11-68). Witek inherently uses a code map, or equivalence lookup table in order to be able to convert classifieds information categories from a number of different providers, for sorting the classifieds information, otherwise the master set of listings would have data improperly presented to the user. For example, personals information should not be displayed in the same category as automobiles for sale. The combination of the EPG systems of Klosterman and Schein with the category sorting features of Witek would result in an EPG system in which information from different providers would be sorted into common categories, prior to display to a user.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,923,362 to Klosterman.

Regarding claim 10, Klosterman discloses an IRD box with a coordinator which is coupled to a cable box and a DBS system, which integrates the program guide information from the sources together and displays a color which corresponds to each source within the program guide, in response to a user query, (Figure 1C, column 2, line 65-column 3, line 47, column 4, line 48-column 5, line 14, column 7, lines 4-21). Klosterman inherently forms program map information associating a new data identifier with a program listed in the EPG from a second source, as Klosterman discloses using a color to designate program items from each source and discloses that the coordinator creates a structured framework to save the received data (column 5, line 64-column 6, line 3).

Regarding claim 11, Klosterman discloses that duplicated programs may be deleted automatically by the coordinator (column 6, lines 36-59).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,002,394 to Schein in view of U.S. Patent 5,793,438 to Bedard.

Regarding claim 1, Schein discloses a STB, which retrieves program guide information; displays program guide menu icons related to a theme, programs may be sorted by theme or category (Figure 16A, column 6, line 37-column 7, line 10, column 9, line 21-column 11, line 46, column 21, line 19-65). Schein fails to disclose collating a category by a display attribute associated to a category of EPG data. Bedard discloses a receiver with an EPG in which different categories of programming and the icons associated with them are assigned a color (Figure 5, column 2, line 65-column 3, line 11, column 4, lines 11-19, line 49-column 5, line 7). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Schein to color code different categories of programming as taught by Bedard, thereby enabling a subscriber to readily identify interesting programs in a program guide display.

Regarding claim 2, Bedard discloses a color display attribute (Figure 5, column 2, line 65-column 3, line 11, column 4, lines 11-19, line 49-column 5, line 7).

Regarding claims 3 and 4, Schein discloses an email function category (column 23, lines 19-36, Figures 19A-C).

Regarding claim 5, Schein discloses collating items sorted by theme (column 11, lines 15-46).

Regarding claim 6, Schein discloses hierarchically collating the program guide categories (Figures 8-10, column 10, line 61-column 11, line 10). Schein does not disclose allocating a plurality of display attributes to program guide categories. Bedard discloses a receiver with an EPG in which different categories of programming and the icons associated with them are assigned a color (Figure 5, column 2, line 65-column 3, line 11, column 4, lines 11-19, line 49-column 5, line 7). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Schein to color code different categories of programming as taught by Bedard, thereby enabling a subscriber to readily identify interesting programs in a program guide display.

Regarding claim 8, Bedard discloses a receiver with an EPG in which different categories of programming and the icons associated with them are assigned a color (Figure 5, column 2, line 65-column 3, line 11, column 4, lines 11-19, line 49-column 5, line 7).

Regarding claim 9, Schein discloses a STB, which retrieves program guide information, displays program guide menu icons related to a theme, programs may be sorted by theme or category (Figure 16A, column 6, line 37-column 7, line 10, column 9, line 21-column 11, line 46, column 21, line 19-65). Schein fails to disclose collating a category by a display attribute associated to a category of EPG data. Bedard discloses a receiver with an EPG in which different categories of programming and the icons associated with them are assigned a color (Figure 5, column 2, line 65-column 3, line 11, column 4, lines 11-19, line 49-column 5, line 7). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Schein to color code

different categories of programming as taught by Bedard, thereby enabling a subscriber to readily identify interesting programs in a program guide display.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,002,394 to Schein in view of U.S. Patent 5,793,438 to Bedard in further view of U.S. Patent 5,923,362 to Klosterman.

Regarding claim 7, Schein discloses hierarchically collating program guide categories (Figures 8-10, column 10, line 61-column 11, line 10). The combined system of Schein and Bedard do not disclose receiving program guide items from a second source, allocating a display source and collating the program guide information. Klosterman discloses an IRD box with a coordinator which is coupled to a cable box and a DBS system, which integrates the program guide information from the sources together and displays a color which corresponds to each source within the program guide, in response to a user query (Figure 1C, column 2, line 65-column 3, line 47, column 4, line 48-column 5, line 14, column 7, lines 4-21). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combined system of Schein and Bedard to include program guide information from varying sources and visually identifying the source as taught by Klosterman, thereby enabling a user to readily identify programming they find interesting.

Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,923,362 to Klosterman in view of U.S. Patent 6,002,394 to Schein.

Regarding claim 12, Klosterman discloses an IRD box with a coordinator which is coupled to a cable box and a DBS system, which integrates the program guide information from the sources together and displays a color which corresponds to each source within the program guide, in response to a user query, (Figure 1C, column 2, line 65-column 3, line 47, column 4, line 48-column 5, line 14, column 7, lines 4-21). Klosterman does not disclose forming a program map with a first code identifying a program category. Schein discloses a STB, which retrieves program guide information, displays program guide menu icons related to a theme, programs may be sorted by theme or category (Figure 7A/B, 16A, column 6, line 37-column 7, line 10, column 9, line 21-column 11, line 46, column 21, line 19-65). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Klosterman to identify programming by a category as taught by Schein, thereby allowing a user to more rapidly identify programming they are interested in.

Regarding claims 13 and 14, Schein discloses identifying a program by program content (column 9, line 21-column 11).

Regarding claim 15, Schein discloses sorting the EPG information in a hierarchical fashion, by category and sub category (column 10, line 61-column 11, line 46).

Regarding claim 16, the combined system of Klosterman and Schein disclose an EPG, which sorts programs by theme. Klosterman/Schein do not disclose sorting EPG

information by topic. The examiner takes official notice that sorting emails in an email program by topic is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Klosterman/Schein to sort program categories by theme and topic, thereby allowing a user to more rapidly identify programming they are interested in.

Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,923,362 to Klosterman in view of U.S. Patent 6,002,394 to Schein and U.S. Patent 6,253,188 to Witek.

Regarding claims 17, 18, and 20, Klosterman discloses an IRD box with a coordinator which is coupled to a cable box and a DBS system, which integrates the program guide information from the sources together and displays a color which corresponds to each source within the program guide, in response to a user query, (Figure 1C, column 2, line 65-column 3, line 47, column 4, line 48-column 5, line 14, column 7, lines 4-21). Klosterman does not disclose forming a program map with a first code identifying a program category, collating program guide information from variety of sources, and converting a first code to a second code for category information. Schein discloses a STB, which retrieves program guide information, displays program guide menu icons related to a theme, programs may be sorted by theme or category (Figure 7A/B, 16A, column 6, line 37-column 7, line 10, column 9, line 21-column 11, line 46, column 21, line 19-65). Witek discloses am automated internet classified system which receives classified ads from newspapers which may categorize listings in different

forms, the listings are retrieved and then converted to a master set of categories prior to display (Figures 3, 7, 14, 15, column 12, line 49-column 13, line 13, column 18, line 33-62, column 52, lines 11-68). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Klosterman to identify programming by a category as Taught by Schein and merge and re-categorize the listings as taught by Witek, thereby allowing a user to more rapidly identify programming they are interested in.

Regarding claim 19, Witek discloses the equivalence matching information is stored and utilized on servers 16 and 20 (column 17, line 25-column 18, line 62).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-

305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-308-5359.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

HBL

SRIVASTAVA
PRIMARY EXAMINER